

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

No. 7:02-CR-110-1-F

UNITED STATES OF AMERICA,

v.

REGINALD JONES,

Defendant.

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ORDER

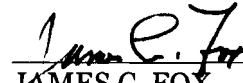
By order of June 2, 2011, the court denied Reginald Jones's motion for an order directing the Bureau of Prisons to credit his federal sentence for time spent in state custody. *See* [DE-36]. The order advised Jones that because he was challenging the manner in which his sentence is being executed or administered, he must pursue relief through a habeas action under 28 U.S.C. § 2241. *See id.*

On June 6, 2011, Jones filed another motion seeking a modification of his sentence and release from state custody in Utah into federal custody. *See* [DE-37]. Jones relies on *Barden v. Keohane*, 921 F.2d 476 (3d Cir. 1990). *Barden*, a case brought pursuant to 28 U.S.C. § 2241, held that the federal Bureau of Prisons has wide discretion to designate the place of confinement for purposes of serving federal sentences of imprisonment. The appellate court remanded *Barden's* § 2241 case to the district court so that the *Bureau of Prisons* could consider *Barden's* request concerning the designation of the facility in which he would serve his federal sentence. It is the BOP, not the federal courts, that decide where a federally convicted inmate will be housed for service of his federal sentence. *See, e.g., Browell v. Beeler*, 135 Fed. App'x 590, 593, n.1 (4<sup>th</sup> Cir. 2005) ( another § 2241 case noting that "[18 U.S.C.] Section 3621(b) . . . authorizes BOP to designate a state facility as the place of federal confinement . . . ) (citing *United States v. Evans*, 159 F.3d 908, 911-12 (4<sup>th</sup> Cir. 1988) and *Barden*, 921 F.2d at 478).

Jones's Motion to Modify Sentence and Release [DE-37] is DENIED without prejudice to file an appropriate § 2241 motion in the correct federal district court.

SO ORDERED.

This the 8<sup>th</sup> day of June, 2011.

  
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JAMES C. FOX  
Senior United States District Judge